



## SUFFOLK COUNTY SHELLFISH AQUACULTURE LEASE PROGRAM LEASE RENEWAL APPLICATION

This application is for leaseholders that wish to renew their Shellfish Aquaculture Lease Agreement for an additional ten year period and continue cultivating shellfish within their current lease site. Please be advised that revisions to Attachment D of the Program Management Plan, Administrative Guidance document and Suffolk County Code Chapter 475, Article II were adopted by Local Law No. 9-2021. *Leaseholders applying to renew their leases shall be subject to all program requirements, as amended in the [Revised Administrative Guidance \(RAG\)](#) and codified in Chapter 475 Article II of the Suffolk County Code. Leaseholders shall be required to meet the revised applicant eligibility requirements, as described in Section 3.1 of the RAG. Leaseholders must complete the Leaseholder Annual Report Form and submit requested documentation of their compliance of the Substantial Shellfish Aquaculture Activities requirements specified in the initial Shellfish Aquaculture Lease Agreement (Lease).* The completed Leaseholder Annual Report must be submitted along with the completed Renewal Application and the respective application fee ninety (90) days prior to the expiration of the initial lease term. If the Department of Economic Development and Planning, Division of Planning & Environment (Department) does not receive a Lease Renewal Application from the leaseholder ninety (90) days prior to the end of the lease term, the lease shall expire on the date specified in the leaseholder's Shellfish Aquaculture Lease Agreement and may not be considered for renewal.

LEASEHOLDERS THAT WISH TO RENEW THEIR LEASE ARE REQUIRED TO PARTICIPATE IN A PRE-APPLICATION MEETING WITH DEPARTMENT STAFF PRIOR TO SUBMITTING A LEASE RENEWAL APPLICATION. AN APPLICATION WILL NOT BE CONSIDERED COMPLETE UNTIL A PRE-APPLICATION MEETING IS CONDUCTED. TO SCHEDULE A PRE-APPLICATION MEETING, PLEASE CALL MS. BARBARA DELGIUDICE AT THE SUFFOLK COUNTY DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING, DIVISION OF PLANNING AND ENVIRONMENT AT 631-853-5111.

Suffolk County requires a **non-refundable** application fee for Shellfish Aquaculture Lease Program (SCALP) lease renewal applications, which shall *not* be applied towards the annual lease rental fee due upon execution of the lease agreement.

**Shellfish Aquaculture Lease Renewal Application Fee:** \$ \_\_\_\_\_  
The check or money order should be made payable to the *Suffolk County Comptroller*.

**Mailing Instructions:** Subsequent to attending a pre-application meeting, applicants may submit a completed Lease Renewal Application to the County at the address listed below. **Please do not drop off applications.** The applicant shall be notified by receipt when the application is received and accepted as complete by the Department. Incomplete applications will be returned.

SUFFOLK COUNTY DEPARTMENT OF ECONOMIC DEVELOPMENT & PLANNING  
DIVISION OF PLANNING & ENVIRONMENT  
P.O. Box 6100  
H. Lee Dennison Bldg. – 11<sup>th</sup> Floor  
Hauppauge, NY 11788-0099  
**ATTN: Mr. Thomas Ralicky**

**PART I.**

**SUFFOLK COUNTY  
SHELLFISH AQUACULTURE LEASE PROGRAM  
LEASE RENEWAL APPLICATION  
STATUS FORM**

1. Full Legal Name of Leaseholder/Applicant: \_\_\_\_\_
2. Contact Person for Leaseholder: \_\_\_\_\_
3. Contact Person's Position/Title: \_\_\_\_\_
4. Contact Person's Street Address: \_\_\_\_\_
5. Contact Person's Mailing Address: \_\_\_\_\_
6. Preferred Phone #: \_\_\_\_\_
7. Lease Site Location. Please complete the chart below:

Lease Sites Map ID#	Lease Acreage	Site Location: (Town) (Water body)	

**DO NOT WRITE BELOW THIS LINE**

**TO BE COMPLETED BY S.C. DIVISION OF PLANNING & ENVIRONMENT**

Date Received by EDP 11<sup>th</sup> Floor: \_\_\_\_\_

Processed by (*Staff Name*): \_\_\_\_\_

Received by Thomas Ralicky: \_\_\_\_\_

Status:

Complete: \_\_\_\_\_

Incomplete: \_\_\_\_\_ (*See attached*)

**\*\*\*Please attach your application fee to this page and return to the Dept. with your application\*\*\***

## **PART II.**

### **DESCRIPTION OF THE LEASE RENEWAL PROCESS**

*(Please keep this page for your reference)*

As a result of the recent amendments to the Suffolk County Aquaculture Lease Program (SCALP), which became effective in April 2021, leaseholders applying to renew their lease shall be subject to revised program requirements. Leaseholders must meet the applicant eligibility requirements as codified in Chapter 475 Article II the County Code and outlined in Section 3.1 of the Revised Administrative Guidance (RAG). Additional changes to the Lease Program that were approved by the Legislature include but are not limited to: revised Lease Program fees; the required submittal of a cultivation plan and business plan with the renewal application; requirements for lease area boundary markers, etc. **Before submitting an application for renewal, leaseholders should review the Revised Administrative Guidance document and the process outlined in the steps below.**

**1. Pre-application Meeting:** Prior to submitting an application for lease renewal, Leaseholders are required to participate in a pre-application meeting with the Suffolk County Department of Economic Development and Planning, Division of Planning and Environment (Department) staff. Lease Renewal Applications submitted without the Leaseholder's participation in a pre-application meeting will not be accepted.

**2. Application Submittal and Review:** Leaseholders applying to renew their lease must submit a completed Leaseholder Annual Report form and SC Form 22 along with the Lease Renewal Application, ninety (90) days prior to the expiration of their initial lease term. In addition, Leaseholders must submit a Shellfish Cultivation Plan and Business Plan with their application. Leaseholders must also submit documentation of previous Substantial Shellfish Aquaculture Activity as described in section 4.6 of the RAG. Leaseholders shall be notified by receipt when their application is received by the Department. Incomplete applications shall be returned.

**3. Public Comment Period:** Public notice of the proposed lease renewal shall be provided for at least two months by posting such notice in the Suffolk County Department of Economic Development and Planning, the Office of the Suffolk County Clerk, the New York State Department of Environmental Conservation Division of Marine Resources, and the Clerk's Office of the five East End towns. Such notice shall also be published in the official newspapers of the County, as well as a local newspaper where the lease site is located, emailed to all who have signed up for notifications regarding SCALP, and be made available on the Lease Program Website. The notice shall include the name of the Leaseholder; lease site identification number; lease site coordinates; the name of the Town where the lease site is located; existing/proposed operation type (e.g. commercial); and existing/proposed operation method (e.g. on-bottom). The public will be able to submit written comments to the Department during this two-month period. Once the comment period has concluded, the Department will send to the Leaseholder any comments and/or objections on their proposed lease renewal, which were received during the public comment period.

**4. Decision:** All comments submitted during the public comment period will be reviewed by the Department staff; those comments determined to be credible will be taken into consideration by the Department during the review and consultation process with the Director of Planning. The Director of Planning may then make a determination to approve or disapprove the lease renewal. This determination shall also take into consideration the leaseholder's previous performance during the first ten years of their lease.

**5. Notification Letter:** The Leaseholder will receive a letter notifying them of the County's determination.

- a. In the event that the Director of Planning has approved the lease renewal, the Leaseholder must have the lease site boundary survey recertified by a licensed land surveyor. Recertified survey maps and/or new lease site boundary surveys must meet all requirements outlined in Appendix A of the RAG. The Leaseholder shall be responsible for the procurement and costs associated with updates to the boundary survey and/or respective survey maps.
- b. In the event the Department has disapproved the lease renewal application, the notification letter will identify the reasons for disapproval; the Leaseholder shall also be required to remove all shellfish gear/equipment from the lease site prior to the expiration of the lease or by the date specified in the letter.

**6. Preparation of Lease and Lease Execution:** Upon receipt of the required Lease Site Boundary Survey Maps, staff will prepare the lease documents for Leaseholders whose lease renewals were approved. The draft lease agreement will be sent to the Leaseholder for their review. Included with the draft lease agreement will be a letter which notifies the Applicant that they have **45 days** from the date of the letter to sign their lease documents. The Applicant shall execute the lease by appointment, at the Department's offices. Prior to the lease signing appointment, Leaseholders should contact Department staff within the 45-day period with any questions or concerns about the draft document. Failure to sign the lease documents within the 45-day time period may result in the termination of the renewal application, and discontinuance of the lease execution process. Once the lease document(s) have been executed they shall be recorded in the Office of the Suffolk County Clerk, and an original will be sent to the Leaseholder for their records.

**7. Lease Program Requirements and Lease Continuation:** Pursuant to the original Shellfish Aquaculture Lease Agreement (Lease), provided that all SCALP requirements are currently being met and that a Lease Renewal Application has been submitted to the Department and is pending, a leaseholder may continue shellfish cultivation under their Lease after expiration of the Lease.

- a. Leaseholders are required to maintain all permits and licenses required by the New York State Department of Environmental Conservation (NYSDEC), US Army Corps of Engineers (ACOE), and US Coast Guard (USCG). As required by Section 4.3 of the RAG, lease site boundaries must be identified and marked according to requirements specified in Appendix B of the RAG; accordingly, all leaseholders must apply for and obtain a Private Aid to Navigation (PATON) from the USCG.
- b. In order to continue shellfish farming activities while the lease renewal application is being processed, leaseholders must submit hard copies or pdf's of all issued permits to the Department by the date specified in the notification letter (#5 above).
- c. Subsequently, to obtaining permits from the US Army Corps of Engineers (ACOE), Leaseholders are required to email the National Oceanic and Atmospheric Administration (NOAA) at [ocs.nbd@noaa.gov](mailto:ocs.nbd@noaa.gov) to request an update to the federal navigation charts. In your email to NOAA you must include:
  - i. Your United States Army Corps of Engineers permit number and the date of first deployment of gear on the lease sites.
  - ii. Attach to the email the signed copy of your entire USACE permit. If the Latitude & Longitude coordinates of the corner and center markers of the lease site are not

included in your USACE Permit, please include the information in the email body. Please identify that the coordinates are in the datum: NAD 1983.

- iii. Leaseholders are required to provide proof of their submission to NOAA to the Department by the dates specified in the notification letter (#5 above).
- d. Once the lease site boundary markers are deployed, leaseholders are required to submit photos of each of the boundary markers; identifying on the photo the respective location being shown on each photo. Failure to submit the issued regulatory permits and/or photos of the boundary markers, may result in the termination of the renewal application, and discontinuance of the lease execution process.

**8. Leaseholder Requirements:** Leaseholders must complete the Leaseholder Annual Report Form and Contractor's/Vendor's Public Disclosure Statement (*Suffolk County Form 22*), and submit the same along with the Annual Lease Rental Fee payment 30 days prior to the lease anniversary date each year they hold a lease with the County. *Please be advised, pursuant the revisions to Chapter 475, Article II, of the Suffolk County Code, as amended by Local Law 09-2021, the rental fee schedule has been changed for Phase II of the Lease Program.* **The Leaseholders that renew their leases shall be subject to the revised annual rental fee schedule and shall be responsible for making reasonable efforts to maintain lease site boundary markers and submitting documentation of the same with Annual Reporting information.** Continuance of the lease shall be subject to the Leaseholder's ability to demonstrate Substantial Shellfish Aquaculture Activity each year as specified in Section 4.6 of the RAG.

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**PART III.****SHELLFISH AQUACULTURE LEASE PROGRAM  
LEASE RENEWAL APPLICATION****1. Lease Information:**

a. Please complete the table below:

Lease Site Map ID#	Lease Site Acreage	<u>Site Location</u> (Town) (Waterbody)

b. SCALP ID#: \_\_\_\_\_

c. Date of Expiration of Current Lease: \_\_\_\_\_

**2. Leaseholder Information:**

a. Full Legal Name of Leaseholder: \_\_\_\_\_  
*(If the leaseholder is a corporation, partnership or LLC, please complete the questions below and submit requested documents in Part V. of this application.)*

If you are a sole proprietor not operating under your personal name, please submit a General Business Certificate issued by the County Clerk for your Business Name.

b. Contact Person for Leaseholder: \_\_\_\_\_

c. Contact Person's Title/Position: \_\_\_\_\_

d. Street Address: \_\_\_\_\_

e. Mailing Address: \_\_\_\_\_

f. City, County: \_\_\_\_\_

g. State, Zip: \_\_\_\_\_

h. Telephone #: business \_\_\_\_\_ home \_\_\_\_\_ cellular \_\_\_\_\_  
*(Please indicate the contact person's preferred contact number \*)*

i. Email Address: \_\_\_\_\_

j. Contact Person's Date of Birth: \_\_\_\_\_

k. Contact Person's Social Security No.: \_\_\_\_\_

l. Contact Person's Photo Identification: Please attach to this application a copy of a valid photo identification document. (i.e., *New York State Driver's License, US Passport*).

m. Are you or any Affiliate\* of the organization a Suffolk County Employee? ☐ Yes ☐ NO

i. If yes, please specify name(s), job title(s) and Department:

\_\_\_\_\_

n. Are you or any Affiliate\* of the organization a US Veteran? ☐ YES ☐ NO

i. If yes, please attach supporting documentation (*i.e., a copy of DD Form 214, a copy of your Military ID Card, or other similar forms of veteran identification.*)

## **PART IV. ELIGIBILITY REQUIREMENTS**

1. Date of Pre-Application Meeting: \_\_\_\_\_

2. Do you or another Affiliate\* of your organization meet the eligibility requirements as described in Section 3.1 of the RAG? ☐ YES ☐ NO

### **3. Documentation of Substantial Shellfish Aquaculture Activity:**

Leaseholders that wish to renew their lease must be able to validate their previous conformance with the lease requirement, which includes but is not limited to the conduct of Substantial Shellfish Aquaculture Activities on or in relation to the shellfish aquaculture lease site operations. Such documentation should be provided with the Leaseholder Annual Report Form. Please complete a Leaseholder Annual Report Form and submit with this application.

Leaseholder Annual Report Form Enclosed: ☐ YES

### **4. Shellfish Cultivation Plan:**

All Leaseholders applying to renew their lease are required to submit a Shellfish Cultivation Plan as part of their renewal application. The Shellfish Cultivation Plan should briefly describe the existing shellfish farming operation and how it was developed over the first ten years of the lease. Leaseholders should indicate if the leaseholder plans to continue that operation “as is” or describe how they intend to modify or adjust their farming operation over the next ten year lease term. Changes to shellfish farming practices should be described in the Shellfish Cultivation Plan detail and include diagrams of the farm’s layout, identifying locations of buoys, markers, cages, lines, etc. Please review Appendix C “Shellfish Culture/Operations Plan Outline” of the Revised Administrative Guidance document for more information on the required Shellfish Cultivation Plan. Please be advised your Shellfish Cultivation Plan will not be included in the Public Notice.

To access the Revised Administrative Guidance please click [here](#).

Please attach a copy of your proposed Shellfish Cultivation Plan to this application. Applications that do not include a Shellfish Cultivation Plan will not be considered complete and the application will be returned to the applicant.

Shellfish Cultivation Plan Enclosed: ☐ YES

\*Affiliate means an officer, director, or shareholder of a corporation, a partner in a partnership, or a member of a limited liability company.



**5. Shellfish Aquaculture Business Plan:**

All lease renewal applicants are required to submit a Shellfish Aquaculture Business Plan that provides estimated costs to operate the proposed shellfish aquaculture operation, which may include but is not limited to the cost for boat maintenance, marina fees, mooring fees, aquaculture gear/equipment, buoys/markers, permit fees, shellfish seed stock, etc. While existing leaseholders may already have an established shellfish farming operation, the business plan should discuss how you plan to continue or expand your farming operation and the steps you will need to take. Some items that should be addressed in the plan include: a business description, development/ expansion plan, market analysis, production/distribution plan and financial information. For more information on what may be included in your aquaculture business plan, please see Appendix D “Business Plan Outline Sample” of the Revised Administrative Guidance. Please be advised your shellfish aquaculture business plan will not be included in the Public Notice.

To access the Revised Administrative Guidance please click [here](#).

Please attach your aquaculture business plan with this application. Applications that do not include an Aquaculture Business Plan will not be considered complete and the application will be returned to the proposed applicant.

Aquaculture Business Plan Enclosed: ☐ YES

**6. Certification**

a. Does the Leaseholder warrant that it is not in arrears to the County for taxes or upon debt or contract, and is not in default, as principal, surety, contractor or otherwise on any obligation to the County? ☐ YES ☐ NO

b. Has the lease applicant ever been convicted or found guilty of any civil, criminal or administrative violations of the Environmental Conservation Law or other Federal, State or local law, as it pertains to shellfish, finfish, other marine resources, environmental protection, food sanitation, navigation or operation of a vessel? ☐ YES ☐ NO

i. If yes, please state the violation and the outcome:

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**7. Lease Renewal Application Fee Enclosed: ☐ YES**

Checks or money orders should be made payable to the *Suffolk County Comptroller*.

Please include Lease Site # on the memo line of the check or money order.

Check Number of the attached check: \_\_\_\_\_

I hereby state that the information included in this application is true and correct; and that I have read and understand the laws and regulations of the New York State Department of Environmental Conservation, and the Suffolk County Shellfish Aquaculture Lease Program in Peconic Bay and Gardiners Bay, which govern shellfish aquaculture in Peconic and Gardiners Bays.

**Full Legal Name of Leaseholder:** \_\_\_\_\_

**Print Name of Signer:** \_\_\_\_\_

**Title of Signer:** \_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

This form must be executed by an authorized party. If a corporation, the form should be signed by an officer. If a LLC, the form should be signed by a managing member, or a manager or other principal. If a partnership, the form should be signed by a partner.

**McKinney's Penal Law § 175.35(1) Offering a false instrument for filing in the first degree**

A person is guilty of offering a false instrument for filing in the first degree when:

1. knowing that a written instrument contains a false statement or false information, and with intent to defraud the state or any political subdivision, public authority or public benefit corporation of the state, he or she offers or presents it to a public office, public servant, public authority or public benefit corporation with the knowledge or belief that it will be filed with, registered or recorded in or otherwise become a part of the records of such public office, public servant, public authority or public benefit corporation;...

Offering a false instrument for filing in the first degree is a class E felony.

**McKinney's Penal Law § 175.30 Offering a false instrument for filing in the second degree**

A person is guilty of offering a false instrument for filing in the second degree when, knowing that a written instrument contains a false statement or false information, he offers or presents it to a public office or public servant with the knowledge or belief that it will be filed with, registered or recorded in or otherwise become a part of the records of such public office or public servant.

Offering a false instrument for filing in the second degree is a class A misdemeanor.

## **PART V.**



### **SUFFOLK COUNTY SHELLFISH AQUACULTURE LEASE PROGRAM APPLICATION PART V. FOR CORPORATIONS, PARTNERSHIPS OR LIMITED LIABILITY COMPANY.**

Lease Applicants that are a Corporation, Partnership or LLC and are interested in submitting any of the following Lease Program applications must complete and submit all required documents specified in applicable section of Part V.

- Shellfish Aquaculture Lease Application
- Application for Second Lease Site.

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1. **Corporate Applicants** (discard if not applicable)

Please provide the requested information if you are a **corporate entity**.

C-1. Please list the date and state in which incorporated (*include a copy of the Articles of Incorporation*): \_\_\_\_\_

C-2. Type of Corporation: ☐ Domestic Corp. ☐ Foreign Corp.

*If a Foreign Corp., (i.e., a corporation that was **not** incorporated in the State of New York), a Certificate of Authority from the NYS Dept. of State, which allows the Corp. to do business in NYS must be submitted.*

C-3. Does this corporation conduct business under a different name other than the legal corporate name? ☐ YES ☐ NO

*If yes, please submit a General Business Certificate issued by the Suffolk County Clerk for your Business Name.*

C-4. Federal Tax ID No. (EIN): \_\_\_\_\_

C-5. Please list the names and addresses of all shareholders, who own or control at least 5% of the outstanding stock and the percentage of the outstanding stock currently owned or controlled by each such shareholder:

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C-6. Please list the names and addresses of all directors:

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C-7. Please list the names, addresses and titles of all officers:

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C-8. Is the certified and duly adopted corporate resolution, which acknowledges the terms and requirements set for in the subject Shellfish Aquaculture Lease Agreement; and authorizes entry into the subject lease with the County of Suffolk, enclosed? ☐ YES

C-9. Has the corporation, or any shareholder, director, or officer applied for a Suffolk County shellfish aquaculture lease for underwater lands in Peconic Bay or Gardiners Bay in the past? ☐ YES ☐ NO

If yes, state the outcome or current status of that application or lease:

C-10. Please list the names and addresses of shareholders, directors, or officers owning an interest, either directly or beneficially, in any other New York State shellfish cultivation operation, as well as the location and quantity of acreage attributed to each such person:

C-11. Has the corporation or any officer, director or shareholder ever been convicted or found guilty of any civil, criminal or administrative violations of the Environmental Conservation Law or other Federal, State or local law, as it pertains to shellfish, finfish, other marine resources, environmental protection, food sanitation, navigation or operation of a vessel?  
☐ Yes ☐ No

If yes, explain: \_\_\_\_\_  
(Attach additional sheets if necessary)

**Full Legal Name of Applicant:** \_\_\_\_\_

**Print Name of Signer:** \_\_\_\_\_

**Title of Signer:** \_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

This form must be executed by an officer and accompanied by a certified, duly-adopted corporate resolution authorizing the submission of this form and entry into the subject lease.

**McKinney's Penal Law § 175.35(1) Offering a false instrument for filing in the first degree**

A person is guilty of offering a false instrument for filing in the first degree when:

1. knowing that a written instrument contains a false statement or false information, and with intent to defraud the state or any political subdivision, public authority or public benefit corporation of the state, he or she offers or presents it to a public office, public servant, public authority or public benefit corporation with the knowledge or belief that it will be filed with, registered or recorded in or otherwise become a part of the records of such public office, public servant, public authority or public benefit corporation;...

Offering a false instrument for filing in the first degree is a class E felony.

**McKinney's Penal Law § 175.30 Offering a false instrument for filing in the second degree**

A person is guilty of offering a false instrument for filing in the second degree when, knowing that a written instrument contains a false statement or false information, he offers or presents it to a public office or public servant with the knowledge or belief that it will be filed with, registered or recorded in or otherwise become a part of the records of such public office or public servant.

Offering a false instrument for filing in the second degree is a class A misdemeanor.

**2. Partnership Applicants** *(discard if not applicable)*

Please provide the requested information if you are a Partnership or Limited Partnership (LP).

- P-1. Please list the date and state in which the partnership was formed *(include a copy of either the Certificate of LP or documentation of the formation of a General Partnership)*:

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- P-2. Does this partnership conduct business under a different name other than the legal partnership's name? ☐ Yes ☐ No

*If yes, please submit a General Business Certificate issued by the Suffolk County Clerk for your Business Name.*

- P-3. Federal Tax ID No. (EIN): 

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- P-4. Please list the names, addresses, and ownership shares of partners:

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- P-5. Has the partnership or any partner applied for a Suffolk County shellfish aquaculture lease for the underwater lands of Peconic Bay or Gardiners Bay in the past? ☐ Yes ☐ No

If yes, state the outcome or current status of that application or lease:

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- P-6. State whether the partnership (or either partner) owns an interest, either directly or beneficially, in any other New York State shellfish cultivation operation, as well as the location and quantity of acreage from the existing operation:

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P-7. Is a signed meeting abstract, which documents the meeting of all partners or managing members enclosed? The meeting abstract must include the following information:

- List all partners.
- State who is authorized to manage the Partnership and to enter into contracts.
- Demonstrate agreement by partners or managing members entitled to vote to enter into and be bound by the Lease. Please list the date of said action taken.

P-8. Has the partnership or any partner been convicted or found guilty of any civil, criminal or administrative violations of the Environmental Conservation Law or other Federal, State or local law, as it pertains to shellfish, finfish, other marine resources, environmental protection, food sanitation, navigation or operation of a vessel? ☐ Yes ☐ No

If yes, explain: \_\_\_\_\_  
(Attach additional sheets if necessary)

**Full Legal Name of Applicant:** \_\_\_\_\_

**Print Name of Signer:** \_\_\_\_\_

**Title of Signer:** \_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

This form must be executed by a partner and must be accompanied a meeting abstract that authorizes submission of this form and entry into the subject lease.

**McKinney's Penal Law § 175.35(1) Offering a false instrument for filing in the first degree**

A person is guilty of offering a false instrument for filing in the first degree when:

1. knowing that a written instrument contains a false statement or false information, and with intent to defraud the state or any political subdivision, public authority or public benefit corporation of the state, he or she offers or presents it to a public office, public servant, public authority or public benefit corporation with the knowledge or belief that it will be filed with, registered or recorded in or otherwise become a part of the records of such public office, public servant, public authority or public benefit corporation;...

Offering a false instrument for filing in the first degree is a class E felony.

**McKinney's Penal Law § 175.30 Offering a false instrument for filing in the second degree**

A person is guilty of offering a false instrument for filing in the second degree when, knowing that a written instrument contains a false statement or false information, he offers or presents it to a public office or public servant with the knowledge or belief that it will be filed with, registered or recorded in or otherwise become a part of the records of such public office or public servant.

Offering a false instrument for filing in the second degree is a class A misdemeanor.



**3. Limited Liability Company (LLC) Applicants** *(discard if not applicable)*

Please provide the requested information if you are a **LLC**.

- L-1. Please list the date and state in which the LLC was formed *(include a copy of the Articles of Organization)*:

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- L-2. Type of LLC: ☐ Domestic LLC ☐ Foreign LLC

*If a Foreign LLC, (i.e., a LLC that was **not** formed in the State of New York), a Certificate of Authority from the NYS Dept. of State, which allows the LLC to do business in NYS must be submitted.*

- L-3. Does this LLC conduct business under a different name other than the legal LLC name?  
☐ Yes ☐ No

*If yes, please submit a General Business Certificate issued by the Suffolk County Clerk for your Business Name.*

- L-4. Federal Tax ID No. (EIN): \_\_\_\_\_

- L-5. Please list the names, addresses, and ownership interest of all members:

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- L-6. Please list the names, addresses, titles and ownership interest (if any) of all persons authorized to manage the LLC and to enter into contracts:

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L-7. Is a copy of the LLC's Operating Agreement enclosed? ☐ YES

L-8. Is a signed meeting abstract, which documents the meeting of all LLC members or managing members, enclosed? The meeting abstract must include the following information:

- List all members of the LLC.
- State who is authorized to manage the LLC and to enter into contracts.
- Demonstrate agreement by members entitled to vote to enter into and be bound by the Lease. Please list the date of said action taken.

L-9. Has the LLC or any member applied for a Suffolk County shellfish aquaculture lease for the underwater lands of Peconic Bay or Gardiners Bay in the past? ☐ Yes ☐ No

*If yes, state the outcome or current status of that application or lease:*

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L-10. State whether the LLC or any member owns an interest, either directly or beneficially, in any other New York State shellfish cultivation operation, as well as the location and quantity of acreage from the existing operation:

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L-11. Has the LLC or any member been convicted or found guilty of any civil, criminal or administrative violations of the Environmental Conservation Law or other Federal, State or local law, as it pertains to shellfish, finfish, other marine resources, environmental protection, food sanitation, navigation or operation of a vessel? ☐ Yes ☐ No

If yes, explain: \_\_\_\_\_

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(Attach additional sheets if necessary)

**Full Legal Name of Applicant:** \_\_\_\_\_

**Print Name of Signer:** \_\_\_\_\_

**Title of Signer:** \_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

This form must be executed by a managing member, manager, or other principle designated in question L-6 and must be accompanied by a signed meeting abstract that authorizes submission of this form and entry into the subject lease.

**McKinney's Penal Law § 175.35(1) Offering a false instrument for filing in the first degree**

A person is guilty of offering a false instrument for filing in the first degree when:

1. knowing that a written instrument contains a false statement or false information, and with intent to defraud the state or any political subdivision, public authority or public benefit corporation of the state, he or she offers or presents it to a public office, public servant, public authority or public benefit corporation with the knowledge or belief that it will be filed with, registered or recorded in or otherwise become a part of the records of such public office, public servant, public authority or public benefit corporation;...

Offering a false instrument for filing in the first degree is a class E felony.

**McKinney's Penal Law § 175.30 Offering a false instrument for filing in the second degree**

A person is guilty of offering a false instrument for filing in the second degree when, knowing that a written instrument contains a false statement or false information, he offers or presents it to a public office or public servant with the knowledge or belief that it will be filed with, registered or recorded in or otherwise become a part of the records of such public office or public servant.

Offering a false instrument for filing in the second degree is a class A misdemeanor.